

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT L. SANFORD,

Plaintiff,

v.

KATHLEEN ALLISON, et al.,

Defendants.

No. 2:22-cv-01225-DAD-EFB (PC)

ORDER ADOPTING IN FULL FINDINGS  
AND RECOMMENDATIONS AND  
DISMISSING PLAINTIFF'S CLAIMS  
BROUGHT AGAINST CERTAIN  
DEFENDANTS

(Doc. No. 33)

Plaintiff Robert Sanford is a state prisoner proceeding *pro se* in this civil rights action brought pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 19, 2023, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's claims for retaliation brought against defendants Martinez, Esporza, Oviedo, Narranjo, and Tyson (collectively, "the retaliation defendants") be dismissed without leave to amend, and that plaintiff's claims brought against defendant Stephanie Welch be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m). (Doc. No. 33 at 7.) Specifically, the magistrate judge concluded that plaintiff had failed to sufficiently allege that any adverse action had been taken by the retaliation defendants. (*Id.* at 3.) The magistrate judge also concluded that because plaintiff had failed to serve defendant Stephanie

Welch, and because plaintiff had failed to show good cause for that failure, that defendant Welch must be dismissed from this action without prejudice. (*Id.* at 4–5); *see also* Fed. R. Civ. P. 4(m).

The pending findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (Doc. No. 33 at 8.) To date, no objections to the findings and recommendations have been filed, and the time in which to do so has now passed.

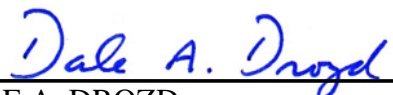
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the findings and recommendations are supported by the record and by proper analysis.

Accordingly:

1. The findings and recommendations issued on December 19, 2023 (Doc. No. 33) are adopted in full;
2. Plaintiff’s claims for retaliation brought against defendants Martinez, Esporza, Oviedo, Narranjo, and Tyson are dismissed without leave to amend;
3. Plaintiff’s claims brought against defendant Stephanie Welch are dismissed without prejudice;
4. The Clerk of the Court is directed to update the docket to reflect that defendant Stephanie Welch has been terminated from this action; and
5. This matter is referred back to the magistrate judge for further proceedings consistent with this order.

IT IS SO ORDERED.

Dated: March 14, 2024

  
DALE A. DROZD  
UNITED STATES DISTRICT JUDGE